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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,234	12/14/2000	James R. Moran	12598.0128.NPUS00 SOLU:12	8345

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EXAMINER

FERGUSON, LAWRENCE D

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 09/05/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-14

Office Action Summary	Applicati n No. 09/737,234	Applicant(s) MORAN ET AL.	
	Examiner Lawrence D Ferguson	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment mailed June 24, 2002.

Claim 8 was amended rendering claims 1-28 pending.

Claim Rejections – 35 USC § 103(a)

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9-12, 14-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost et al. (U.S. 5,932,329) for the reasons set forth in paragraph 3, in the previous office action, mailed June 24, 2002.

Claim Rejections – 35 USC § 103(a)

4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost et al. (U.S. 5,932,329) in view of Chaussade et al (U.S. 5,227,241). Regarding the amendment to claim 8, of a layer of plasticized polyvinyl butryal adhesive, the prior art

teaches such limitation because Chaussade teaches a laminated glass comprising poly vinyl butyral layers (column 3, lines 19-20 and lines 61-64).

Claim Rejections – 35 USC § 103(a)

5. Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost et al. (U.S. 5,932,329) in view of Benson, Jr. et al (U.S. 5,796,055).

Response to Arguments

6. Applicant's remarks to 35 USC 103(a) as being unpatentable over Frost et al. (U.S. 5,932,329) have been considered but are unpersuasive. Applicant disagree with the rejection(s) including the stance that 'although Frost does not teach a temperature transition [T_g] or maximum flex modulus, it would have been obvious to one of ordinary skill in the art to include these features because Frost teaches the same materials having the same function as applicants claimed invention.' The temperature transition is directly related to the compounds used and so would be inherent if the same compounds are used. Although Frost is silent towards temperature transition and flex modulus, the claimed transition temperature is directly related to the plasticized polyvinyl butyral and the flex modulus is directly related to the glass laminate used. Since Frost uses the same plasticized polyvinyl butryal and glass laminate, respectively, the transition temperature [T_g] and flex modulus would be expected to be the same as Applicant claims. Applicant points out the primary purpose of Frost is to improve the

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visual appearance of the laminate versus the instant application being directed toward improving the intrusion resistance of a glass laminate. It does not matter what intended use is in a product claim as long as Frost's product can act in the same manner. In response to applicant's argument that Frost does not have the same use as the instantly claimed application, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Applicant argues Frost does not mention improving intrusion resistance of a glass laminate at all. Although Frost does not explicitly disclose intrusion resistance, Frost comprises the same materials as the claimed invention. Additionally, Frost discloses a support film (column 1, line 54) and thick adhesive layers (column 2, lines 30-34) which aid in intrusion resistance. Applicant further assumes because the Frost glass laminates are designed for *biomedical* reasons, Frost does not contemplate a high stiffness glass laminate composite structure. Applicant does not offer any evidence that the Frost glass does not contemplate a high stiffness glass laminate composite structure. Applicant points out the Frost glass laminate would 'need to meet stringent government regulatory safety codes regarding the safety of motor vehicle windshields.' It would be expected that the

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Frost glass would undergo regulatory safety codes regarding the safety of motor vehicle windshields since it will be used in a practical manner, which is in motor vehicles.

Applicant's remarks to 35 USC 103(a) as being unpatentable over Frost et al. (U.S. 5,932,329) in view of Chaussade et al (U.S. 5,227,241) have been considered but are unpersuasive. Applicant argues the references are not analogous art because they are from the same field of laminates because Chaussade deals with glass laminate structures for airplane windows, whereas Frost deals with laminates for motor vehicle windshields. Examiner respectfully disagrees, because, as Applicant both pointed out, they are both glass laminates. As indicated earlier by *In re Casey*, the use of the glass laminates is given little patentable weight. Because both references are from the field of glass laminates they are deemed to be analogous art. Because Applicant has failed to point out why the rejection of Frost in view of Chaussade is unobvious over the claimed invention, the rejection is maintained for reasons of record.

The rejection under 35 USC 103(a) as being unpatentable over Frost et al. (U.S. 5,932,329) in view of Benson, Jr. et al (U.S. 5,796,055) has been maintained because Applicant has failed to point out why the rejection is unobvious over the claimed invention.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is (703) 305-9978. The examiner can normally be reached on Monday through Friday 8:30 AM – 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. Please allow the examiner twenty-four hours to return your call.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2351.

Lawrence D. Ferguson
Examiner
Art Unit 1774

CYNTHIA H. KELLY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

